

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 1, 2011
7:05 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Brindle approving the Council consent agenda with the exception of Item II.C., award of bid/change orders, traffic signal cabinets for West 70th Street improvements: Improvement No. TS-44.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

EARTH HOUR IN EDINA PROCLAIMED Mayor Hovland read in full a proclamation declaring 8:30 p.m. to 9:30 p.m. on March 26, 2011, as Earth Hour in Edina. **Member Swenson made a motion, seconded by Member Bennett, approving proclamation declaring Earth Hour.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Paul Thompson, Energy & Environment Commissioner, accepted the petition and introduced Commissioners in attendance.

***MINUTES APPROVED – REGULAR MEETING OF FEBRUARY 15, 2011 AND WORK SESSION OF FEBRUARY 15, 2011** Motion made by Member Bennett and seconded by Member Brindle approving the minutes of the regular meeting of February 15, 2011, and work session of February 15, 2011.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – 2011 TORO REELMASTER 5210-D FAIRWAY MOWER – BRAEMAR GOLF COURSE**

Motion made by Member Bennett and seconded by Member Brindle awarding the bid for 2011 Toro Reelmaster 5210-D fairway mower, Braemar Golf Course, to the recommended low bidder, MTI Distributing at \$40,199.25.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – 2011 TORO GREENSMaster 3150-Q GREENSMOWER – BRAEMAR GOLF COURSE**

Motion made by Member Bennett and seconded by Member Brindle awarding the bid for 2011 Toro Greensmaster 3150-Q greensmower, Braemar Golf Course, to the recommended low bidder, MTI Distributing at \$22,886.72.

Motion carried on rollcall vote – five ayes.

AWARD OF BID – TRAFFIC SIGNAL CABINET FOR WEST 70TH STREET IMPROVEMENTS: IMPROVEMENT NO. TS-44 Public Works Director/City Engineer Houle described the bronze-colored cabinet that would house signal control equipment. **Member Sprague made a motion, seconded by Member Swenson, awarding the bid for traffic signal cabinet for West 70th Street improvements to the recommended low bidder, Traffic Control Corporation at \$44,975.00.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

UPDATE ON 169/494 RECONSTRUCTION PRESENTED John Griffith, Mn/DOT, presented the two-year timeline and performance measures used to create a cost-effective interchange design for the 169/494 reconstruction project that was currently underway. He described the time-efficient parallel design-build process that would result in cost savings. Following a technical evaluation and bid process, the project was

Minutes/Edina City Council/March 1, 2011

awarded to McCrossan/Kraemer (a joint venture) of just over \$125 million. It was anticipated this project would be completed by November 15, 2012. Mr. Griffith displayed computer animations depicting road alignments and points of access. It was noted that Mn/DOT's use of a performance-based design process resulted in a cost savings of \$40 million by not including two fly-over bridge movements, yet the infrastructure would accommodate future bridges, if needed. The Council acknowledged the local, regional, and inter-regional impact of this interchange project. Mr. Griffith addressed the on-going monitoring relating to potential impacts to the Valley View Road and Highway 169 interchange.

FREIGHT RAIL PRESENTATION Dave Christianson, Mn/DOT, described the components of Minnesota's freight rail transportation system and indicated it was expected that rail transportation volumes would increase 15-25% by 2030. Mr. Christianson advised of potential future high-speed intercity passenger rail and challenges to rail upgrades to accommodate rail transportation as well as "talking points." He advised that the St. Louis Park freight interchange, if built, would not impact rail traffic levels in Edina because it would divert traffic north, not south.

Mr. Christianson answered the Council's questions relating to anticipated private freight rail traffic volumes and potential for public involvement with passenger rail traffic. He commented on the three options presented before the Edina Transportation Commission (ETC) for freight rail currently operating in the Kenilworth corridor and estimated costs of each. In response to the Council's request, Mr. Christianson elaborated on the constitutional right of the freight railroads to operate, jurisdictional protection, and ability to use eminent domain under certain circumstances. However, should public funding be sought, a public process would be involved including environmental reviews and governmental approvals. Mr. Christianson described the importance of the Dan Patch rail (the north/south line through Edina) because it was the only north/south route through the west metro area.

The Council acknowledged the public's concern that the number and speed of trains would be increased. Mr. Christianson clarified that while some segments of rail may accommodate a speed of 65 mph, curvature, bridge and grade crossings would lower speeds to 25-30 mph even in an upgraded condition. In addition, mitigation such as signalization, grade separations, pedestrian crossings, and fencing could also be required. It was noted that if high speed intercity rail was built from Mankato, with four to eight passenger trains per day (estimated to be 2030 or beyond), it would be more probable to run from Mankato to St. Paul due to the significant upgrades needed for the Dan Patch rail. Mr. Christianson commented on the economic factors that would create demand for increased freight rail traffic, noting that should it occur it would be directed east bound to St. Paul and not increase capacity in Edina. With regard to light rail, Edina's line would need significant upgrades and additional right-of-way would be required for station stops, side and passing rails to separate light-rail traffic from freight-rail traffic. Mr. Christianson confirmed that as it existed today, the Dan Patch line was the most functionally obsolete corridor for light rail.

The Council and Mr. Christianson discussed the proposal for an elevated interchange in St. Louis Park to enable nonstop traffic and possibly generate more traffic on the Edina line. It was noted that freight rail had federal right to operate without public comment or limiting by a local entity so there were few opportunities for the public to comment on freight rail planning or operations. However, with the seeking of public funding for the St. Louis Park interchange, there would now be opportunity for public comment.

Mr. Christiansen reported on the design changes made to the elevated interchange to reduce the footprint of the overpass and eliminate a second interchange south to Edina. In addition, Mr. Christiansen stated there would be significant mitigation such as adequate fencing to eliminate the potential for trespass, a pedestrian overpass at the high school site, full quiet zones, quad and pedestrian gates at all crossings, and no horn blowing which would reduce 90% of the noise. Mr. Christiansen advised of the internet project site where residents could learn more, view plans, leave comments, and ask questions.

The Council indicated it was disheartening to learn that the Dan Patch line was not compatible for an adjacent recreational trail or bikeway due to the narrow and variable right-of-way, resulting in safety hazard and liability risk in the view of Canadian Pacific.

494 COMMUTER SERVICES ACTIVITIES PRESENTED Melissa Madison, Executive Director of the 494 Corridor Commission, presented its 2010 Work Plan and key accomplishments to lower congestion and commuter pollution through van or carpooling, bicycle commuting, and mass transit. Kate Meredith, Director of Outreach with 494 Commuter Services, reported on alliances that promote resources and alternate transportation modes. She described their work with the businesses at 50th and France Avenues to address parking issues through carpooling and mass transit by employees and customers. Ms. Meredith advised of other partnerships and four companies participating in e-workplace. She indicated these achievements would not be possible without the support of Edina. The City Council acknowledged the tremendous work of the 494 Commuter Services to convert almost 4,500 single-occupant vehicles to alternate transportation modes resulting in a savings of almost 18 million miles.

GRANDVIEW SMALL AREA PLAN PROPOSED PROCESS PRESENTED Kevin Staunton, Planning Commission Vice Chair and Chair of the Community Advisory Team (CAT) of Grandview District Guide Process, introduced CAT members and extended his thanks to Mr. Teague for his involvement and continued support.

Mr. Staunton presented a brief background of the community-led process to develop the Guide Process Final Plan that created a vision and goals for the former Public Works site. It was noted the Metropolitan Council had awarded a grant to assist in developing a Small Area Plan, the second phase of the process that would create a roadmap for future development. During this process the CAT intends to reach out to all stakeholders, ensure the plan was consistent with the seven guiding principles, and be responsible stewards of public resources used to support the process. In that effort, the CAT determined to organize first, prior to engaging consultants, which would encourage local stakeholder participation and focus resources. The one-year process would include four three-month stages: organizing and framing the work plan (April to June); retaining consultants and drafting development framework and implementation (July to September); public input and refinement (October to December); and, drafting of final plan (January to March). Mr. Staunton explained the CAT would ensure participation and productivity through work groups and a steering committee. He presented an organizational chart as well as a work schedule and timing chart and requested the Council's authorization to move forward with this process.

The Council noted some residents who had not yet participated would like to become part of this process. Mr. Staunton answered questions of the Council and indicated the CAT had not yet identified or defined work groups but would do so as part of the process and remain mindful of the categories contained in the grant application that identified how the money would be used. As discussed by the Council earlier tonight, he agreed with the importance of addressing transportation and funding for such projects. Mr. Staunton explained that the CAT had tried to think big, not letting practical difficulties get in the way of a vision; however, with a Small Area Plan the CAT would need to be more realistic in looking at feasibility, which may be part of the implementation discussion.

The Council and Mr. Staunton discussed methods of recruitment, the benefit of touring outstanding public/private partnerships to open new ideas, and need for a community-wide survey that the CAT could piggyback with questions that relate to this endeavor. The Council indicated it looked forwarding to seeing what comes out of the Small Area Plan for creative visioning, such as and an east/west linkage across Highway 100 and determining what was missing in Edina with regard to infrastructure. The Council thanked Mr. Staunton and the CAT members for their service to the community. **Member Swenson made a motion, seconded by Member Bennett, approving the Grandview Small Area Plan Process.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

PARKING PERMITS FOR ALL EMPLOYEES OF EDINA BUSINESSES AT 50TH AND FRANCE AVENUE APPROVED

Communications and Marketing Director Bennerotte described the location of the City's four parking structures in the 50th and France Avenue area. Ms. Bennerotte said the growing parking concern had been exacerbated by four new restaurants. It was noted that employees of businesses in the area, with a permit, could park in the five-hour spaces in the top level of the north ramp and the top and lower levels of the south ramp. No employee parking was allowed in the center ramp. However, it had been observed that a number of Edina business employees were using premium parking spaces during the day, resulting in the loss of competitiveness of the 50th & France Business District as a retail area. She reported the France Business and Professional Association was recommending all employees of Edina businesses be required to purchase a parking permit, regardless of full- or part-time status, and park only in the areas designated for permit-parking. The Association recommended that part-time employees pay \$2.50 per month (half price); however, City staff recommended all employees pay the same amount due to the difficulty of tracking employment status. Ms. Bennerotte presented parking revenues for the past three years and advised that fewer than half the employees who work in the area hold permits.

The Council asked questions of Ms. Bennerotte relating to the number of employee parking spaces and process should an employee purchase a parking permit and space was not available in the designated ramp levels.

Rachel Hubbard, Executive Director of the 50th and France Business and Professional Association, noted that requiring a parking permit would improve enforcement so violators could be ticketed if parking in "premium" parking spaces. She reported the Association was receiving multiple complaints from people who want to shop in the area but cannot find a parking space. The Parking Task Force would address both short- and long-term solutions including additional employee parking, off-site parking locations, a shuttle service, and Park and Ride lots.

The Council suggested the Task Force consider use of the lower level of Anthropologie, which was underutilized, for employee or valet parking. Ms. Hubbard stated valet parking was helping but was not a total solution. Ms. Bennerotte advised that staff was also addressing improvements to the ramps and additional infrastructure with property owners.

The Council discussed the issues and indicated support for staff's recommendation and further research on off-site alternatives for valet parking, shuttle service, use of underutilized church parking lots that were within walking distance, and moving all employee parking to the north ramp so patrons could use lower level covered parking areas. Planning Director Teague indicated the Covenant Church believed its parking lot was currently underutilized. It was agreed that employers needed to require employees to obtain a parking permit and should also encourage other solutions such as public transit or bicycles. Diana Fleetham, President of the Board of Directors, reported that because it had come to this level, employers were supportive of requiring permits. **Member Swenson made a motion, seconded by Member Bennett, requiring parking permits for all employees of Edina businesses at 50th and France at a price of \$5 per month.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

***ON-SALE INTOXICATING, CLUB ON-SALE, AND SUNDAY SALE LIQUOR LICENSES RENEWED** Motion made by Member Bennett and seconded by Member Brindle renewing Club On-Sale and Sunday Liquor Licenses for: On-Sale Intoxicating & Sunday Sale – Big Bowl, California Pizza Kitchen, Crave Restaurant, Eden Avenue Grill, Edina Grill Restaurant, Lake Shore Grill, Mozza Mia, P.F. Chang's Bistro, Pinstripes, Inc., Raku, Inc., Romano's Macaroni Grill, Ruby Tuesday, Salut Bar American, The Cheesecake Factory, Westin Edina Galleria; and, Club and Sunday Sale – Edina Country Club, Interlachen Country Club.

Motion carried on rollcall vote – five ayes.

***WINE LICENSES RENEWED** Motion made by Member Bennett and seconded by Member Brindle renewing On-Sale Wine and On-Sale 3.2 Beer Licenses for the following restaurants: Beaujo's, Chipotle Mexican Grill, Cooks of Crocus Hill, D'Amico & Sons, Good Earth Restaurant, Marriott Residence Inn, Noodles & Company, People's Organic Coffee/Wine Galleria Café, Rice Paper Asian Fusion Restaurant, and TJ's of Edina.

Motion carried on rollcall vote – five ayes.

***BEER LICENSES RENEWED** Motion made by Member Bennett and seconded by Member Brindle approving issuance of the following 3.2 Beer Licenses: On-Sale 3.2 – Chuck E. Cheese's, Davanni's Pizza/Hoagies; and, Off-Sale 3.2 – Cub Foods, DB Convenience LLC (Edina Market & Deli), Holiday Stationstore #217, and Jerry's Foods.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2011-36 ADOPTED – ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. **Member Swenson introduced and moved adoption of Resolution No. 2011-36 accepting various donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***HEARING DATE SET (MARCH 15, 2011) – ORDINANCE NO. 2011-03 AMENDING SECTION 850.04 REGARDING NOTICE OF HEARING FOR CONDITIONAL USE PERMIT** Motion made by Member Bennett and seconded by Member Brindle setting public hearing date of March 15, 2011 for Ordinance No. 2011-03, amending Section 850.04 regarding notice of hearing for Conditional Use Permit.

Motion carried on rollcall vote – five ayes.

ENERGY & ENVIRONMENTAL COMMISSION APPOINTMENT CONFIRMED Mayor Hovland nominated Keith Kostuch for appointment to the Energy and Environment Commission. **Member Sprague made a motion, seconded by Member Brindle, confirming the appointment of Keith Kostuch to the Energy and Environment Commission with a term ending February 1, 2013.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Council consensus was reached that the vacancy on the Heritage Preservation Board would be addressed at the March 15, 2011, meeting.

US CONFERENCE OF MAYORS CIVILITY ACCORD APPROVED The City Council addressed the positive message the US Conference of Mayor's Civility Accord. It was noted that the League of Women Voters had created a one-page summary of suggestions for managing an orderly public forum. **Member Swenson made a motion, seconded by Member Sprague, adopting the US Conference of Mayor's Civility Accord and directing staff to have a plaque prepared with the US Conference of Mayor's Civility Accord for posting in the Council's Chamber.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***TEMPORARY ON-SALE 3.2 BEER LICENSE APPROVED – OUR LADY OF GRACE CHURCH** Motion made by Member Bennett and seconded by Member Brindle granting temporary beer license to Our Lady of Grace Church for their Lenten Fish Fry on March 18, 2011.

Motion carried on rollcall vote – five ayes.

Minutes/Edina City Council/March 1, 2011

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Brindle approving payment of the following claims as shown in detail on the Check Register dated February 17, 2011, and consisting of 32 pages: General Fund \$163,658.55; Communications Fund \$10,692.60; Police Special Revenue \$389.80; Working Capital Fund \$219,160.50; Art Center Fund \$1,208.71; Golf Dome Fund \$7,557.23; Aquatic Center Fund \$2,767.52; Golf Course Fund \$30,193.51; Ice Arena Fund \$4,676.47; Edinborough/Centennial Lakes Fund \$12,259.21; Liquor Fund \$177,031.87; Utility Fund \$30,569.73; Storm Sewer Fund \$3,551.78; Recycling Fund \$38,820.60; PSTF Agency Fund \$3,123.16; **TOTAL \$705,661.24** and for approval of payment of claims dated February 24, 2011, and consisting of 23 pages: General Fund \$161,127.53; Working Capital Fund \$600.00; Art Center Fund \$5,789.71; Golf Dome Fund \$14,335.16; Aquatic Center Fund \$669.31; Golf Course Fund \$11,326.45; Ice Arena Fund \$10,744.02; Edinborough/Centennial Lakes Fund \$30,828.76; Liquor Fund \$146,805.79; Utility Fund \$42,816.20; Storm Sewer Fund \$500.00; PSTF Agency Fund \$648.42; **TOTAL \$426,191.35**.

Motion carried on rollcall vote – five ayes.

COMMENTS REFERRED TO PARK BOARD Member Bennett made a motion, seconded by Member Sprague, referring suggestions made during the February 15, 2011, Community Comment related to the naming of public spaces and facilities to the Park Board.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:10 p.m.

Respectfully submitted,

Jane Timm, Deputy City Clerk

Minutes approved by Edina City Council, March 15, 2011.

James B. Hovland, Mayor

Video Copy of the March 1, 2011, meeting available.